

REMARKS

The Title has been changed such that it is now more descriptive of the claimed invention.

The claims have been amended to more clearly define the invention as disclosed in the written description. In particular, claims 2-15, 17 and 18 have been cancelled, while claims 1 and 16 have been amended to more particularly describe the invention. In addition, new claims 19-22 have been added and claim additional features of the device as claimed in claim 16.

Applicants believe that the above changes answer the Examiner's objection to the Title, and rejection of claim 18 under 35 U.S.C. 101, and respectfully request withdrawal thereof.

The Examiner has rejected claims 1, 2, 7-11 and 16-18 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,461,378 to Shimoyoshi et al. The Examiner has further rejected claims 3 and 4 under 35 U.S.C. 103(a) as being unpatentable over Shimoyoshi et al. in view of U.S. Patent 6,487,574 to Malvar. In addition, the Examiner has rejected claims 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over Shimoyoshi et al. in view of U.S. Patent 5,555,306 to Gerzon. Furthermore, the Examiner has rejected claims 12-14 under 35 U.S.C. 103(a) as being unpatentable over Shimoyoshi et al. in view of U.S. Patent 5,235,646 to Wilde et al. The Examiner has moreover rejected claim 15 under 35 U.S.C. 103(a) as being unpatentable over Shimoyoshi et al. in view of U.S. Patent 6,680,972 to Liljeryd et al.

Applicants believe that the above changes render the Examiner's 35 U.S.C. 103(a) rejections moot.

The Shimoyoshi et al. patent discloses a digital signal decoding apparatus.

As noted in MPEP § 2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 1 and 16 include the limitations "delaying the sub-band signals so as to obtain delayed sub-band signals" and "deriving a first and a second processed sub-band signal by mixing a sub-band signal and a corresponding delayed sub-band signal".

Applicants submit that Shimoyoshi et al. neither discloses nor suggests the delaying nor the deriving by mixing as described in claims 1 and 16.

In view of the above, Applicants believe that the subject invention, as claimed, is neither anticipated nor rendered obvious by the prior art, and as such, is patentable thereover.

Applicants believe that this application, containing claims 1, 16 and 19-22, is now in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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